

**Notice of Allowability**

Application No.

09/771,207

Examiner

Scott L. Jarrett

Applicant(s)

SLOCUM, GREGORY H.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 31, 2006.
2. ☒ The allowed claim(s) is/are 37,38,40-42,44-46 and 48-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**TARIQ R. HAFIZ**  
SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 3600

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance.

The present invention is directed to a manufacturing forecasting system and method for determining whether to produce an additional quantity of an intermediate product based on the predicted future demand for the intermediate product and a intermediate product quantity that can be produced as well as determining a total quantity of a by-product that can be produced, as a result of producing the intermediate product, during a specified period of time.

The closest prior art Aspen Technology's suite of Enterprise Operation systems and methods fail to teach or suggest either singularly or in combination *determining, based on the second intermediate product quantity and the intermediate product demand information, whether to produce any of the second intermediate product quantity of the intermediate product* as recited in independent Claims 37, 41 and 45.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bodington et al., A History of Mathematical Programming in the Petroleum Industry (1990) teaches the well-known utilization of linear programming based planning models in the petroleum industry wherein such models/programs “have penetrated all facets of the oil business from strategic planning through process control.”

- Fransoo, Production control and demand management in capacitated process industries (1993) teaches the well-known utilization of decision support systems for demand management in the process industry wherein demand management involves determining what products and in what quantities to produce.

- Petrolsoft Introduces Wholesale Supply-Chain Planning Solution for Refinery-To-Terminal Distribution (1999) teaches a demand planning system and method for the petroleum (process) industry which forecasts sales (demand) for a plurality of products/product channels which are then aggregated to for a “single” demand plan.

- Dempster et al., Planning logistics operations in the oil industry (2000) teaches a system and method for modeling a multi-period supply, transformation and distribution scheduling for a consortium of oil companies wherein the system/method determines/knows the demand for a plurality of crude oil and final products at various points in a logistics network.

- Process Industry Modeling System Training Manual, Parts 1 and 2 (1998) teaches a system and method for modeling and optimizing the operations of

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manufacturing operations, such as refineries (e.g. production planning, economic analysis, feedstock evaluation, etc.).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



5/18/2006



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